

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/799,231	<b>Applicant(s)</b> YEH ET AL.	
	<b>Examiner</b> Mujtaba K. Chaudry	<b>Art Unit</b> 2112	

**All Participants:**

(1) Mujtaba K. Chaudry.

(2) James M. Behmke.

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 7 November 2007

**Time:** 11am est.

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)\*

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*double patenting and prior art*

**Claims discussed:**

*all*

**Prior art documents discussed:**

*copending application 10799232 and Lavi et al. (USPN 6950977B2).*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

11/9/07

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 (Applicant/Applicant's Representative Signature – if appropriate)

## Continuation of Substance of Interview including description of the general nature of what was discussed:

Initially, an agreement was reached to amend the claims of the present application to make them in condition for allowance. The proposed amendments to the claims were received and reviewed by the examiner. However, the provisional obvious-type double patenting rejection is determined to be valid even after the proposed amendments. Therefore, the allowance of the proposed amendments (via examiner's amendment) cannot take place until a terminal disclaimer is filed with respect to copending application, 10799232. For example, the proposed claim amendment to claim 1 of the present application would still be double patenting over claims 1 and 6 of copending application 10799232. In accordance with MPEP 804, the present application cannot be allowed without a terminal disclaimer. Both applications were filed on the same date and the copending application is (at the present moment, because no amendment to the claims is submitted) deemed to be the one with the base claim. Also, the two foreign references (WO 00/19616 and WO 03/005591) are needed in order to consider them in the original IDS submitted. Basically, Applicants agreed to submit: 1.) file a terminal disclaimer, 2.) file the foreign references and 3.) file the agreed proposed amendments to claims 1, 12 and 13 along with new claims 20 and 21. .